

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ervin Weiss, et al

Serial No. Divisional of 09/159,626 Group Art Unit:

Filed: Herewith Examiner:

For: ANTI-MICROBIAL-ADHESION FRACTION DERIVED
 FROM VACCINIUM

Our File No.: 2290.00123

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Please preliminarily amend the above application, prior to consideration of the application on its merits, consistent with the instructions found attached hereto:

AMENDED VERSION

IN THE SPECIFICATION:

CROSS REFERENCE TO RELATED APPLICATIONS

This application is a divisional of United States Patent Application Serial No. 09/159,626, filed September 24, 1998, which is incorporated herein by reference.

2290.00123-0916486-072704

IN THE CLAIMS:

16. (New) A anti-microbial adhesion pharmaceutical composition comprising an effective amount of an isolated adhesion inhibitory fraction from *vaccinium* juice and a pharmaceutically acceptable carrier or diluent said isolated fraction having anti-adhesion activity against *H. pylori*.

17. (New) The composition according to claim 1, wherein said isolated fraction is selected from the group consisting assertially of PF-1, PF-2, and NDM.

18. (New) The composition according to claim 1, wherein said isolated fraction is present in a range of 1 μ g to 10mg per milliliter.

19. (New) A fortified food composition providing antimicrobial-adhesion activity comprising a suitable food carrier and an effective amount of an isolated adhesion inhibitory water extract fraction from *Vaccinium* having

- (a) a molecular weight of 14,000;
- (b) anti-adhesion activity against *H.pylori*;
- (c) an elemental analysis of carbon 43-51%, hydrogen 4 - 5%, no nitrogen, no sulfur and no chlorine;
- (d) a nuclear magnetic resonance (NMR) line spectrum as set forth in Figures 2A and 2B;
- (e) an ultraviolet spectrum with an absorption peak at 280 nm in neutral or acidic pH solution which is absent in alkali solutions; and
- (f) an adhesion inhibitory activity against P fimbriated bacteria.

20. (New) The composition as set forth in claim 19 wherein the food carrier is a fruit juice.

21. (New) The composition as set forth in claim 20 wherein the fruit juice is cranberry juice.

22. (New) An adhesion inhibitory fraction from a juice of berries of the *Vaccinium* plant genus exhibiting coaggregation reversal and coaggregation inhibition activity against *H.pylori* isolated by:

(a) dialyzing the juice extensively against double distilled water using dialysis tubing with a 14,000 molecular weight cut-off;

(b) lyophilizing the dialysate;

(c) fractionating the lyophilized dialysate on a polyacrylamide resin column; and

(d) eluting the fraction from the column with water.

23. The method of claim 22 wherein the fraction is eluted from the column with ammonia.

REMARKS

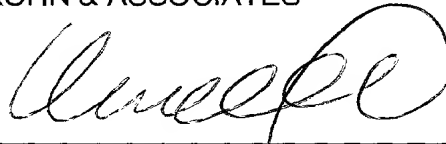
Claims 1-2 and 16-23 are currently pending in the application.
Claims 3-15 have been canceled without prejudice.

It is respectfully submitted that the application is now in condition
for allowance, which allowance is respectfully requested.

The Commissioner is authorized to charge any fee or credit any
overpayment in connection with this communication to our Deposit Account
No. 11-1449.

Respectfully submitted,

KOHN & ASSOCIATES



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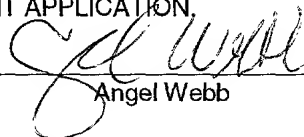
Dated: July 27, 2001

CERTIFICATE OF MAILING

Express Mail Mailing Label No.: EL901882037US

Date of Deposit: July 27, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office To Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, BOX DIVISIONAL PATENT APPLICATION.


Angel Webb

VERSION WITH MARKINGS TO SHOW CHANGES MADE

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09/159,626-0220